

Application No. 09/941,816
Amendment dated March 21, 2005
Reply to Office Action of September 22, 2004

REMARKS

The acknowledgement, in the Office Action, of a claim for foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received, is noted with appreciation.

Claims 1-16 were pending in the application. By this Amendment new claims 17 and 18 are added. The status of the claims is as follows:

Claims 1, 4, 5, 9, 12, and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' admitted prior art in view of U.S. Patent No. 5,764,611 to Watanabe ("Watanabe").

Claims 2, 3, 10, and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' admitted prior art, Watanabe, and in further view of U.S. Patent No. 6,421,087 to Ikeda ("Ikeda").

Claims 6, 7, 14, and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art, Watanabe, and in further view of U.S. Patent No. 6,603,508 to Hata ("Hata").

Claims 8 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicants' admitted prior art, Watanabe, and in further view of U.S. Patent No. 6,522,360 to Miyawaki et al. ("Miyawaki").

The indication, in the Office Action, that the Examiner has accepted the drawings filed with the application, is noted with appreciation.

Claims 1 and 9 have been amended to provide proper antecedent basis for the term "amount of blur." These changes are not necessitated by the prior art, are unrelated to the patentability of the invention over the prior art, and do not introduce any new matter.

Claims 5 and 13 have been amended to correct antecedent basis errors related to the changer as found in claims 4 and 12, respectively. These changes are not necessitated by the prior art, are unrelated to the patentability of the invention over the prior art, and do not introduce any new matter.

Claims 6 and 14 have been amended to correct grammatical errors. These changes are not necessitated by the prior art, are unrelated to the patentability of the invention over the prior art, and do not introduce any new matter.

35 U.S.C. § 103(a) Rejections

The rejection of claims 1, 4, 5, 9, 12, and 13 under 35 U.S.C. § 103(a) as being unpatentable over Applicants' admitted prior art in view of Watanabe, is respectfully traversed based on the following.

The admitted prior art relates to systems that create a blur controlled image based upon processing of two or more images taken at different focal lengths. The amount of blur in the final blur controlled image can be controlled by the various algorithms employed by these admitted prior art systems on the different focal length images. In contrast, Watanabe is directed to a pen-like image reader having a fixed focal length optical system. Because of the fixed focal length of Watanabe's system, the single image captured by Watanabe may include both in-focus and blurred regions, but the amount of blur is not controlled by processing multiple images. The Applicants respectfully submit that combining a system producing a blur controlled image from multiple, different focal length images with a system producing a blur uncontrolled image from a single, fixed focal length image is improper. In particular, there is no suggestion in Watanabe that it can be used with a multi-focal length system. Furthermore, if Watanabe used a multi-focal length system, there would be no blurred regions, and thus no reason for Watanabe's high-frequency emphasis circuit. Because there is no suggestion or motivation to combine the admitted prior art with Watanabe, the inventions of claims 1, 4, 5, 9, 12, and 13 are considered patentable over the cited prior art.

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Accordingly, it is respectfully requested that the rejection of claims 1, 4, 5, 9, 12, and 13 under 35 U.S.C. § 103(a) as being unpatentable over Applicants' admitted prior art in view of Watanabe, be reconsidered and withdrawn.

The rejection of claims 2, 3, 10, and 11 under 35 U.S.C. § 103(a) as being unpatentable over Applicants' admitted prior art, Watanabe, and in further view of Ikeda, is respectfully traversed based on the following.

As discussed above, the combination of the admitted prior art and Watanabe is improper and thus cannot render obvious claims 1 and 9, from which claims 2, 3, 10, and 11 depend. The addition of Ikeda to the admitted prior art and Watanabe similarly fails to render obvious claims 1 and 9. Ikeda, like the admitted prior art, employs multiple images taken at different focal lengths. Thus, Watanabe, with its fixed focal length and single image, is improperly combined with the admitted prior art and Ikeda, both of which use multiple images taken at different focal lengths. Because the combination of the admitted prior art, Watanabe, and Ikeda is improper, the combination of the admitted prior art, Watanabe, and Ikeda cannot render obvious the inventions of claims 1 and 9.

Claims 2 and 3 depend from claim 1. As claim 1 is nonobvious over the improper combination of the admitted prior art, Watanabe, and Ikeda, claims 2 and 3 are nonobvious for at least the same reasons. Claims 10 and 11 depend from claim 9. As claim 9 is nonobvious over the improper combination of the admitted prior art, Watanabe, and Ikeda, claims 10 and 11 are nonobvious for at least the same reasons.

Accordingly, it is respectfully requested that the rejection of claims 2, 3, 10, and 11 under 35 U.S.C. § 103(a) as being unpatentable over Applicants' admitted prior art, Watanabe, and in further view of Ikeda, be reconsidered and withdrawn.

The rejection of claims 6, 7, 14, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art, Watanabe, and in further view of Hata, is respectfully traversed based on the following.

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As discussed above, the combination of the admitted prior art and Watanabe is improper and thus cannot render obvious claims 1 and 9, from which claims 6, 7, 14, and 15 depend. The addition of Hata to the admitted prior art and Watanabe similarly fails to render obvious claims 1 and 9. Hata, which has variable focal lengths, produces but a single image taken at a single focal length, and thus does not create a blur controlled image by processing images taken at different focal lengths. For this reason, Hata is similar to Watanabe. Thus, Watanabe, with its fixed focal length and single image, Hata, with its single image taken at a single focal length, and the admitted prior art, with its multiple images taken at multiple focal lengths, are improperly combined. Because the combination of the admitted prior art, Watanabe, and Hata is improper, the combination of the admitted prior art, Watanabe, and Hata cannot render obvious the inventions of claims 1 and 9.

Claims 6 and 7 depend from claim 1. As claim 1 is nonobvious over the improper combination of the admitted prior art, Watanabe, and Hata, claims 6 and 7 are nonobvious for at least the same reasons. Claims 14 and 15 depend from claim 9. As claim 9 is nonobvious over the improper combination of the admitted prior art, Watanabe, and Hata, claims 14 and 15 are nonobvious for at least the same reasons.

Accordingly, it is respectfully requested that the rejection of claims 6, 7, 14, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art, Watanabe, and in further view of Hata, be reconsidered and withdrawn.

The rejection of claims 8 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Applicants' admitted prior art, Watanabe, and in further view of Miyawaki, is respectfully traversed based on the following.

As discussed above, the combination of the admitted prior art and Watanabe is improper and thus cannot render obvious claims 1 and 9, from which claims 8 and 16 depend. The addition of Miyawaki to the admitted prior art and Watanabe similarly fails to render obvious claims 1 and 9. Miyawaki is directed primarily to a processor that

enlarges the portion of a field of view corresponding to a fixation point of a camera user. Miyawaki does disclose gamma correction, but it is in reference to motion video images, not a single blur controlled image as the motion video images are not combined to form a blur controlled image. Thus, Miyawaki is similar to Watanabe as each individual image is taken at a single focal length and the blur within the image is not controlled by processing multiple images taken at different focal lengths. Thus, Watanabe, with its fixed focal length and single image, Miyawaki, with its single image taken at a single focal length, and the admitted prior art, with its multiple images taken at multiple focal lengths, are improperly combined. Because the combination of the admitted prior art, Watanabe, and Miyawaki is improper, the combination of the admitted prior art, Watanabe, and Miyawaki cannot render obvious the inventions of claims 1 and 9.

Claim 8 depends from claim 1. As claim 1 is nonobvious over the improper combination of the admitted prior art, Watanabe, and Miyawaki, claim 8 is nonobvious for at least the same reasons. Claim 16 depends from claim 9. As claim 9 is nonobvious over the improper combination of the admitted prior art, Watanabe, and Miyawaki, claim 16 is nonobvious for at least the same reasons.

Accordingly, it is respectfully requested that the rejection of claims 8 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Applicants' admitted prior art, Watanabe, and in further view of Miyawaki, be reconsidered and withdrawn.

New Claims

New claims 17 and 18 have been added. Support for these claims can be found in paragraphs [0054] and [0055] in the present specification and in FIG. 9. Therefore, claims 17 and 18 introduce no new matter.

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CONCLUSION

In view of the foregoing, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are respectfully requested.

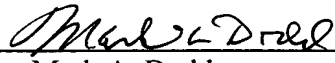
This Response increases the number of independent claims by two from two to four (three previously paid for) and increases the total number of claims by two from 16 to 18 (20 previously paid for), but does not present any multiple dependency claims. Accordingly, a Response Transmittal and Fee Authorization form authorizing the amount of \$200.00 to be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260 is enclosed herewith in duplicate. However, if the Response Transmittal and Fee Authorization form is missing, insufficient, or otherwise inadequate, or if any fee pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, is required by this response, please charge such fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Separately, if an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document

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is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R.
§ 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Respectfully submitted,

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